

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

CANDICE MICHELLE HARDWICK,)
by and through her Parents and Guardians)
DARYL LEWIS HARDWICK and)
PRISCILLA LEA HARDWICK,)

Plaintiff,)

vs.)

Civil Action No.: 4:06-cv-1042-TLW

MARTHA HEYWARD in her individual)
capacity and her official capacity as)
Principal of Latta Middle School,)

GEORGE H. LIEBENROOD, JR., in his)
individual capacity and his official capacity)
as Principal of Latta High School, and the)

BOARD OF TRUSTEES OF LATTA)
SCHOOL DISTRICT)
(Dillon County No. 3),)

Defendants.)

ORDER

On December 10, 2010, the Fourth Circuit Court of Appeals issued an opinion that dismissed and remanded this case. More specifically, the Fourth Circuit stated that “[a]lthough the district court granted summary judgment on C.H.’s confederate flag clothing claims, it has not yet ruled (or been asked to rule) on her protest clothing First Amendment damages claim.” C.H ex rel. Hardwick v. Heyward, No. 09-2390, 2010 WL 5066024 (4th Cir. Dec. 10, 2010) (Doc. # 160). Thus, the Fourth Circuit characterized this Court’s summary judgment order (Doc. # 150) as a partial grant of summary judgment that is interlocutory in nature rather than a final judgment.

In light of the Fourth Circuit's decision, this Court directs the plaintiffs, within thirty (30) days from the filing date of this Order, to file a memorandum in support of their position in relation to the claim(s) remanded back to this Court by the Fourth Circuit, specifically addressing the protest clothing First Amendment claim. The defendants shall then have twenty (20) days to respond to the plaintiffs' memorandum.

IT IS SO ORDERED.

s/Terry L. Wooten
TERRY L. WOOTEN
United States District Judge

December 22, 2010

Florence, South Carolina